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ABSTRACT

Summarized are 32 legislative acts benefitting the handicapped that were enacted by the 93rd Congress (1973-1974). Given for each act are the title, public law number, and synopses of the law's general scope and implications for the handicapped. Listed as major legislation benefitting the handicapped are 1973 Social Security and Rehabilitation Amendments; the Housing and Community Development Act of 1974, and 1974 Education, Rehabilitation, and Social Services Amendments. Also summarized is other legislation, including 1973 Maternal and Child Health Amendments, 1974 Social Security Amendments concerning the Supplementary Security Income program, and Juvenile Delinquency and Prevention Act of 1974. Appended are a chart on the legislative history of 36 1973-1974 laws relating to the handicapped and cross references from previous (1963-1972) federal legislative summaries. (LH)

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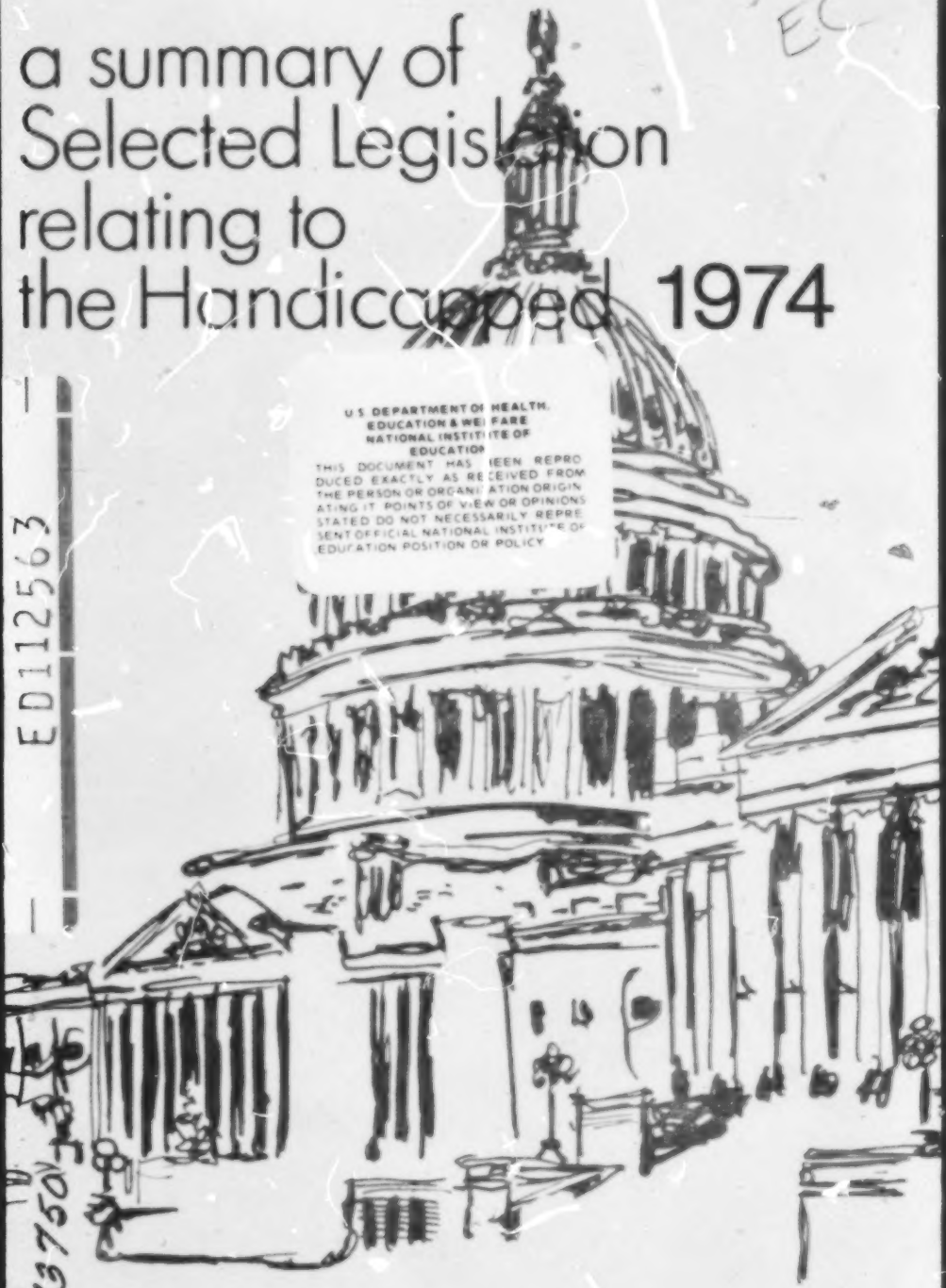

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a summary of Selected Legislation relating to the Handicapped 1974

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
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Washington, D.C. 20201

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INTRODUCTION

This booklet contains brief synopses of legislation enacted by the 93rd Congress which affects physically and mentally handicapped persons. It is a widely disseminated document designed to help program planners, students and interested citizens gain insight into the outputs of Federal policy formulation. These laws authorize programs with varied objectives benefiting handicapped persons.

The booklet is divided into two sections. The first contains summaries of "Major Legislation Benefiting the Handicapped." The second relates to "Other Legislation Benefiting the Handicapped." Following the legislative summaries are two appendices. Appendix A contains a table which traces the development of each law through the legislative process. Appendix B provides cross references to individual summaries of laws found in the 1963-67, 1968, 1971 and 1972 federal legislative summaries, also published by the Office for Handicapped Individuals.[1] In many instances, legislation reviewed in this booklet amends or is closely related to laws summarized in these previous publications.

In June 1975, the National Association of Coordinators of State Programs for the Mentally Retarded, Inc. plans to publish *93rd Congress: Federal Laws and Regulations Affecting the Handicapped.*[2] That publication will be considerably broader in scope than this booklet. The Association publication will review bills enacted by the 93rd Congress, and bills considered but not enacted. It also will contain sections relating to legislative-executive relations, Federal regulatory policy and a preview of the challenges facing the 94th Congress. The section relating to 93rd Congress enactments was used extensively in the preparation of the review herein presented. The Office for Handicapped Individuals wishes to express its appreciation to the staff of the Association for its cooperation in the development of this booklet.

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[1] Limited copies of the 1971 and 1972 publications are available from the Office for Handicapped Individuals, DHEW, Washington, D. C. 20201.

[2] Sequel to a previous publication entitled *92nd Congress: Federal Legislation Affecting the Mentally Retarded and Other Handicapped Persons.* Limited copies of the "92nd Congress" publication are available from the Association Headquarters, 2001 Jefferson Davis Highway, Suite 1010, Arlington, Virginia 22202, Price: $2.50

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PART I. MAJOR LEGISLATION BENEFITING THE HANDICAPPED

1. Social Security Amendments (P.L. 93-66 and P.L. 93-233)

General Scope: Two sets of significant amendments to the Social Security Act were enacted during the 1st Session of the 93rd Congress. P.L. 93-66, signed into law on July 9, 1973, increased social security benefits, raised the Federal Supplemental Security Income (SSI) payment level, expanded mandatory State supplementation under SSI, extended benefits to "essential persons," protected certain Medicaid recipients against loss of benefits due to SSI eligibility, repealed restrictions on reimbursements for nursing home care and placed a four month moratorium on implementation of new social service regulations.

Then, in the waning days of the session, Congress took further steps to correct deficiencies and inequities created by the enactment of the Social Security Amendments of 1972. P.L. 93-233 authorized a further extension of the moratorium on new social service regulations plus additional increases in social security and SSI benefits. Additional steps were also taken to protect current aged, blind and disabled recipients against the loss of Medicaid and food stamp benefits once the SSI program went into effect.

Implications for the Handicapped: Because of the controversy surrounding the use of Federal social service funds and the lack of consensus on the most appropriate legislative solution, during 1973 Congress twice delayed implementation of new HEW regulations governing social service expenditures. Effective July 1, 1973, P.L. 93-66 placed a four month moratorium on regulations issued in final form by the Department in May 1973. Despite the issuance of modifications to the May regulations in September and October, Congress voted in late December to extend the moratorium through December 31, 1974 (P.L. 93-223). In taking these actions, Congress made clear its intent to consider substantive legislative changes in the program during the 1974 session in order to clarify the policy making roles of Federal and State governments and the statutory objectives of the program.

During 1973 Congress also moved to increase social security benefits, eliminate inequities and otherwise modify the Supplemental Security Income (SSI) program. SSI, enacted by Congress in 1972 as part of the

Social Security Amendments of 1972 (P.L. 92-603), replaced separate State-run programs for the aged, blind and disabled with a single Federally financed and administered program of cash assistance for such persons, effective January 1, 1974. (For a brief review of this legislation see "A Summary of Selected Legislation Relating to the Handicapped: 1972," U.S. Department of Health, Education, and Welfare, June 1973.)

The main thrust of both acts of 1973 amendments was to assure elderly and disabled individuals an adequate income and protect certain recipients against loss of benefits. Among the relevant provisions of P.L. 93-66 and P.L. 93-233 are:

Increased Social Security Benefits. A 5.6 percent cost-of-living increase in benefits was approved for all social security recipients, effective in June 1974 (P.L. 93-66). Later in the year, an additional two-stage, 11 percent increase in benefits was voted by Congress (P.L. 93-233). Over one million disabled Americans currently receive social security benefits. Of this number, some 287,000 are adults disabled in childhood.

Increased SSI Benefits. The Federal payment level for the aged, blind and disabled under SSI was raised to $140 a month for individuals and $210 a month for couples, effective July 1974 (P.L. 93-66). Later in the session, Congress advanced the effective date of this increase to January 1, 1974 and voted a second increase ($146 per month for single beneficiaries and $219 for couples), effective July 1, 1974 (P.L. 93-233).

Essential Persons Coverage. SSI benefits were extended to so-called "essential persons"—i.e., persons needed to care for SSI recipients—under certain conditions (P.L. 93-66).

Mandatory Supplementation. States were required to supplement Federal SSI payments to current aged, blind and disabled recipients who otherwise would have had their payments reduced when the new "federalized" program went into effect. States failing to provide such supplementation are ineligible to receive Federal Medicaid matching after January 1, 1974 (P.L. 93-66). P.L. 93-233 further required that Medicaid coverage be mandatory for those persons who received a mandatory State supplement to SSI.

Medicaid Eligibility. Among the groups protected against loss of Medicaid eligibility after SSI went into effect are: (1) essential persons; (2) the disabled individual who does not meet the Federal definition of disability and yet is currently eligible for Medicaid as a medically needy person; and (3) an individual who is an inpatient in a medical institution and whose special needs made him eligible for assistance. P.L. 93-233 goes one step further and makes Federal matching available for Medicaid benefits on behalf of any new SSI recipient; however, coverage of such newly eligible persons is optional on the part of the State.

Food Stamp Eligibility. A provision of P.L. 93-233 suspended for six months a requirement making an aged, blind and disabled person ineligible for food stamps in any month in which his SSI payment plus the State supplement are at least equal to the welfare payment and the bonus value of food stamps he would have been eligible to receive under the State plan in effect on December 1, 1973.

Other Provisions. P.L. 93-66 repealed a provision of law which restricted to 5 percent the annual increase in allowable per diem costs for skilled nursing homes and intermediate care facilities. P.L. 93-233 established an upper limit on the monthly income (initially $420 for a single individual) which an institutionalized person can have and still be "deemed" in special need and, therefore, eligible for Title XIX coverage in a State without a medical indigency plan. Federal SSI payments will be reduced dollar-for-dollar in any State which uses supplemental payments to provide for institutionalized persons in substandard facilities if such care could be provided under the State's Medicaid program (P.L. 93-233).

2. Rehabilitation Amendments of 1973 (P.L. 93-112)

General Scope: The Rehabilitation Amendments of 1973 extend one of the nation's oldest and most effective grant-in-aid programs. Originally enacted in 1920 as the Smith-Fess Act, the scope of the initial legislative authority was subsequently enlarged in 1943, 1954, 1965, 1967 and 1968. The 1973 Amendments completely recodify the old Vocational Rehabilitation Act and place emphasis on expanding services to more severely handicapped clients.

Implications for the Handicapped: The following is a brief summary of the major features of P.L. 93-112:

Extension of Basic Grant Program. P.L. 93-112 extends the Federal-State grant program for vocational rehabilitation services for an additional two years and sets authorization ceilings of $650 million in FY 1974 and $680 million in FY 1975. A study of the current formula for allotting funds among the States is also authorized.

Service Priorities for the Severely Handicapped. For the first time State rehabilitation agencies are directed to give priority to serving "those individuals with the most severe handicaps" in their basic State vocational rehabilitation program. In addition, State agencies are required to describe "the method to be used to expand and improve services to handicapped individuals with the most severe handicaps." Similar provisions granting priority to the most severely handicapped clients, are contained in Section 121 (Innovation and Expansion Grants), Section 202 (Research), Section 302 (Vocational Training Service Grants), and Section 304 (Special Projects and Demonstrations).

Individualized Written Rehabilitation Program. The State agency is required to develop an individualized written rehabilitation program on each client it serves. This program, which is to be jointly developed by the rehabilitation counselor and the handicapped individual (or, in appropriate cases, his parents or guardian), will spell out the terms, conditions, rights and remedies under which services are provided to the individual and state the long range and intermediate goals to be attained. Each individual's program must be reviewed at least annually and safeguards are included to assure that every individual capable of achieving a vocational goal has an opportunity to do so.

Consolidated Rehabilitation–Developmental Disabilities Plan. The new Amendments contain a provision authorizing States to submit a consolidated vocational rehabilitation/developmental disabilities plan. However, the State Developmental Disabilities Services Act (DDSA) agency must agree to the consolidated State plan before it can go into effect. In addition, the Secretary of HEW may reject any such consolidated State plan.

Special Projects and Demonstrations. The special project grants section of the old Act, Section 4 (a) (1), was rewritten and language authorizing grants for "problems related to the rehabilitation of the mentally retarded" was deleted. Instead, the new Amendments direct HEW to give special attention to providing vocational rehabilitation services for clients with the most severe handicaps, including individuals with spinal cord injuries, older blind, underachieving deaf, and migratory farm workers.

Sheltered Workshop Study. P.L. 93-112 directs the Secretary of HEW to conduct a comprehensive, 24-month study of the role of sheltered workshops in rehabilitation and employment of handicapped individuals.

Coordination of Programs for the Handicapped. The 1973 Amendments direct the Secretary of HEW to: (a) prepare and submit a long range plan for serving handicapped individuals; (b) conduct a continuing analysis of the operation and effectiveness of Federal programs serving the handicapped; (c) identify unnecessary duplication and overlap in such programs; (d) encourage cooperative, interagency planning; (e) promote the prompt utilization of research findings; (f) serve as a central clearinghouse for information and resources; (g) evaluate existing information and data systems, identify gaps and ways of filling them and spearhead the development of a coordinated, Department-wide information and data retrieval system.

Organization and Administration. For the first time, P.L. 93-112 establishes, by statute, a Rehabilitation Services Administration within HEW and delegates to the Commissioner of RSA responsibility for administering all aspects of the rehabilitation program authorized under the Act (presently delegated to the Secretary of HEW). The Commissioner is to be appointed by the President. The Act forbids

the Secretary from redelegating any of the Commissioner's authority without the explicit approval of Congress. The Secretary is also directed to insure that all funds appropriated under the Act are used to support rehabilitation programs.

Innovation and Expansion Grants. Separate existing authorities for innovation and expansion grants are consolidated into a single formula grant program. Authorization levels for the program are: $37 million in FY 1974 and $39 million in FY 1975.

Non-Discrimination and Employment under Federal Contracts. P.L. 93-112 contains a provision forbidding discrimination against otherwise qualified handicapped persons in any federally assisted program or activity.

The bill also requires all Federal contractors and subcontractors to take affirmative action to employ qualified handicapped individuals. Complaints may be filed with the Department of Labor by any aggrieved handicapped individual.

Federal Interagency Committee on Handicapped Employees. A Federal Interagency Committee on Handicapped Employees is established to investigate the status of handicapped individuals working for the Federal Government. After consulting with the Committee, the Civil Service Commission is directed to report annually to Congress on the effectiveness of the federal government's efforts to hire handicapped workers. Every federal agency is required to submit an affirmative action plan for hiring, placing and advancing handicapped individuals within 180 days after enactment of the legislation. In addition, the Civil Service Commission is responsible for recommending to appropriate state agencies policies and procedures for improving employment opportunities for handicapped workers.

Client Assistance. Funds are authorized for a series of 7 to 20 pilot client assistance projects. The purpose of these projects is to advise clients on available benefits and help them in their dealings with rehabilitation agencies. For this purpose, $1.5 million (but not less than $500,000) is authorized in FY 1974 and $2.5 million (but not less than $1 million) in FY 1975.

Architectural and Transportation Barriers Compliance Board. An interagency board has been created to assure compliance with the Architectural Barriers Act of 1968 and study additional ways of eliminating architectural and transportation barriers in public facilities. The Board will also be responsible for undertaking a study of the transportation and housing needs of handicapped individuals.

Mortgage Insurance for Rehabilitation Facilities. A provision is included in the new Act which authorizes up to 100% mortgage insurance to cover the costs of constructing a public or non-profit rehabilitation facility. Initial capital is authorized for the insurance

fund and a $200 million restriction is placed on the total amount of outstanding mortgages.

National Center for Deaf-Blind Youths and Adults. Funds are authorized to establish and operate a National Center for Deaf-Blind Youths and Adults to demonstrate new techniques and conduct research related to rehabilitating deaf-blind individuals.

3. Education Amendments of 1974 (P.L. 93-380)

General Scope: The Education Amendments of 1974 extend and amend the Elementary and Secondary Education Act of 1965, the Education of the Handicapped Act and a variety of other federal education statutes. In total, $25.2 billion in federal aid to education is authorized under the 1974 Amendments, including expanded assistance to schools serving handicapped children.

Major revisions are made in the provisions of the Elementary and Secondary Education Act (ESEA). Perhaps, the most important change is the inclusion of a revised formula for distributing Title I, ESEA funds. The per capita support level is reduced from 50 to 40 percent of the average per pupil costs of educating a child within the state (or in the nation, if higher). In addition, no state or local school agency may receive less than 80 percent or more than 120 percent of the national average per pupil expenditure.

The revised formula is intended to equalize per capita federal aid among states and local school districts, incorporate a fairer poverty standard, and account for population shifts since the 1960 census. The overall effect will be to give more funds to southern and rural areas and less to large cities and relatively wealthy states by placing reduced emphasis on the number of children in AFDC families within the state.

Implications for the Handicapped: P.L. 93-380 contains the following significant legislative advances for handicapped children:

Expanded Assistance to the States. The final bill contains a slightly modified version of a Senate amendment originally introduced by Senator Charles (Mac) Mathias (R-Md.). Under the Mathias Amendment, Fiscal Year 1975 funds to assist in educating handicapped children in the public schools are sharply increased in order to help states faced with meeting court or legislatively imposed "right to education" mandates. A total of $631 million is authorized in FY 1975. State allotments are based on a system of entitlements, determined by multiplying the total number of children, ages 3 through 21, in the states times $8.75.

P.L. 93-380 also extends the existing authority for grants to the states, under Part B of the Education of the Handicapped Act, for two additional years with $100 million authorized in FY 1976 and $110 million in FY 1977.

Aid to State Supported Schools. The principle of "off-the-top" funding for state agency programs under Title I is retained in the 1974 Amendments. In other words, as in the past, all state operated and supported programs for handicapped, migrant, neglected and delinquent children must be fully funded before Title I aid is distributed to local school districts.

In addition, a provision is added to the Act which permits a state agency, for purposes of determining its Title I, ESEA entitlements, to continue to count a handicapped child when responsibility for the child's education is transferred from a state operated or supported facility to a local school district. However, the funds received must be forwarded to the local educational agency which is actually providing services to the particular handicapped child.

If, for example, responsibility for educating a group of institutionalized children is transferred from a state run facility to the local school district, or if a group of Title I eligible children are transferred from a public institution to a community facility and are being educated in the local public schools, the state's Title I entitlements will not be reduced as they have in the past. This amendment was added by the House, and later accepted by the Senate, in an effort to encourage deinstitutionalization and normalization of educational services for handicapped youngsters.

In order to avoid cutbacks in aid to state operated and supported schools for handicapped children, which would have been mandated under the new Title I formula, P.L. 93-380 includes language which guarantees that no state agency will receive less in FY 1975 and subsequent fiscal years than it got in FY 1974. Without this provision Title I aid to the handicapped would have been reduced by $24 million in FY 1975.

Education for All Plans. The legislation require the states to establish a goal of providing full educational opportunities for all handicapped children, and submit by August 21, 1974, a detailed plan and timetable for achieving this goal. In addition, the bill provides procedural safeguards for use in identifying, evaluating and placing handicapped children, mandates that such youngsters be integrated into regular classes whenever possible, and assures that testing and evaluation materials are selected and administered on a non-discriminatory basis. These latter provisions are based on floor amendments introduced by Senator Robert T. Stafford (R-Vt.).

Deputy Commissioner of Education. P.L. 93-380 establishes the position of Deputy Commissioner of Education to head up the Bureau of Education for the Handicapped. The bill also assigned several additional "super grade" positions to the Bureau.

Impact Aid. In computing the amount of federal impact aid a local school district is entitled to receive, a handicapped child will be

counted as one and one-half children. To be counted, however, a child must be included in a program which meets his or her special educational needs.

Adult and Career Education. Up to 20 percent of Adult Education formula funds may be used for education of institutionalized persons. In addition, exemplary career education grants are required to include models in which handicapped children participate.

Extension of Existing Authorities. A number of existing grant programs authorized under the Education of the Handicapped Act are extended for three additional years and a new section is added authorizing grants for regional vocational, technical, post-secondary or adult education programs benefitting the deaf and other handicapped individuals.

4. Housing and Community Development Act of 1974 (P.L. 93-383)

General Scope: A four year legislative deadlock ended in August 1974 when President Ford signed into law the Housing and Community Development Act of 1974. Referred to by one Congressional leader as "probably the most important piece of legislation on housing since the passage of the National Housing Act of 1934," the 1974 Amendments revise or rewrite every major piece of housing legislation enacted by Congress over the past forty years.

Among the major features of P.L. 93-383 are: (1) the adoption of a new system of block grants for community development to replace ten existing urban renewal programs; and (2) the initiation of an expanded leasing program to provide direct housing subsidies to low income families. In addition to these and other significant provisions, the omnibus bill contains several important amendments which should expand federal housing assistance on behalf of handicapped persons.

The overall thrust of the new legislation is toward decentralization of decision-making authority in the federal housing program. Increased responsibility is delegated to state and local public housing agencies and the 38 Housing and Urban Development area offices.

Implications for the Handicapped. The following is a brief summary of the highlights of P.L. 93-383 as it is likely to affect handicapped citizens:

Housing Leasing Program. The 1974 Amendments sharply expand the so-called Section 8 program (formerly referred to as the Section 23 program) to permit Housing and Urban Development (HUD) to enter into Housing Assistance Payment Contracts with private owner/developers or public housing agencies (state or local). In addition, public housing agencies may enter into HUD approved Housing Assistance Payment Contracts with private owner/developers. Under such a contract, HUD agrees to pay the owner, either directly or through the public housing agency, housing assistance payments on

behalf of eligible low income families in exchange for decent, safe and sanitary housing.

The assistance payment is based on HUD's determination of the fair market rent for similar housing in the area. This amount is adjusted automatically each year, based on market conditions, and can be changed more frequently, if warranted. The housing assistance payment on behalf of an eligible family, in accordance with criteria established by HUD, will equal the difference between: (1) not less than 15 percent or more than 25 percent of the family's gross income; and (2) the gross rent, taking into consideration the income of the family, the number of minor children in the household, and the extent of medical and other unusual expenses incurred by the family.

Section 8 funds can be used for either new construction or substantial rehabilitation projects. The types of new construction permitted include new single family homes, mobile homes, multifamily structures and *congregate housing for elderly or handicapped families and individuals.*

A "lower income family" is defined as one whose income does not exceed 80 percent of the median income for the area, as determined by HUD. A "very low income family" is one whose income does not exceed 50 percent of the median income for the area, as determined by HUD. In both cases, adjustments are made for smaller or larger families.

In defining the term "low income families," for purposes of the Housing Leasing program, the 1974 Amendments say that the term may include "families consisting of a single person who is at least sixty-two years of age or under a disability as defined in section 223 of the Social Security Act or in section 102 (b) (5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or is handicapped. . ." In addition, the term "elderly families" may include "two or more elderly, disabled or handicapped individuals living together, or one or more such individuals living with another person who is determined under regulation . . . to be a person essential to their care and well-being."

"A person is considered handicapped if . . . pursuant to regulations . . ." such person is determined ". . . to have an impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions."

Housing for the Elderly and Handicapped. P.L. 93-383 authorizes the Secretary of Housing and Urban Development to borrow up to $800 million from the Treasury Department to make direct government loans for housing the elderly and the handicapped. $100 million, which has accumulated in an existing revolving fund, also will be

available for this purpose. Non-profit groups, limited-dividend developers, consumer cooperatives and public agencies will be eligible for such loans.

Interest on HUD borrowing and on the housing loans will be established at the current average market yield on outstanding U.S. obligations of comparable maturity dates (plus an amount to cover administrative costs on the loans). Assistance payments under Section 8 of of the U.S. Housing Act of 1937, as amended, will be available both to new and existing projects under this authority and HUD must take into account the availability of such payments in assessing the feasibility and marketability of a project.

For purposes of loans under Section 202 of the Act, the definition of the term "handicapped" is broadened to include both the mentally and the physically handicapped. In addition, specific language is included to clarify the fact that developmentally disabled individuals, as defined in P.L. 91-517, are considered handicapped persons for purposes of Section 202 loans. In the past, some projects involving mentally retarded individuals were refused HUD loans because the retarded did not meet the definition of "physically handicapped" contained in the Act.

The goal of the amendments to Section 202 is to breath new life into the program which has been in trouble for the past few years because of its impact on the federal budget. It is hoped that the revised financing structure will make available a steady flow of capital for housing the elderly and the handicapped since the loans will not be reflected in the federal budget.

Community Development Block Grants. The primary goal of the Community Development Program, authorized under Title I of P.L. 93-383, is the development if viable urban communities, including decent housing, a suitable living environment and expanded economic opportunities, principally for persons with low and moderate income. In pursuit of this goal, the new program is designed to help eliminate slums, improve housing code enforcement, expand the nation's housing stock, improve the quality and quantity of community services to low and moderate income families, promote rational land utilization, increase the diversity and vitality of neighborhoods, and preserve historical properties.

Title I grant funds are allocated by the Secretary to metropolitan and non-metropolitan areas on the basis of a formula which takes into account population, the extent of poverty and the extent of housing overcrowding. Eighty percent of appropriated funds, excluding the Secretary's discretionary funds, are allocated to metropolitan areas (communities with a population of 50,000 or greater in the latest national census). The remaining 20 percent is allocated to non-metropolitan areas.

In order to qualify for Title I assistance, a community is required to submit a housing assistance plan which, among other things, must contain a survey of housing needs (including the housing needs of the elderly and handicapped).

One of the purposes for which community development grant funds may be used is for special projects to remove "architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons. . ." On the other hand, Title I funds may *not* be used for acquiring, constructing or rehabilitating a public facility unless it is a type of facility specified in the Act. Hospitals, nursing homes and other medical facilities are *not* eligible for assistance under Title I. Other categories of ineligible costs include operating and maintenance expenses, general government expenses, political activities, new residential housing construction and direct income payment or housing allowances.

The important point to remember is that all HUD assisted housing now must conform to the community's (or state's) housing assistance plan. This plan will be the basic document used by HUD field offices in reviewing Section 8 applications; in addition, local governments, in effect, have been given authority to veto projects which they find are not in conformance with the local housing assistance plan. Only the HUD Secretary can override such a veto and, given political realities, this is not expected to happen very often.

Provision of Services to the Elderly and Handicapped. The Secretary of HUD is required to consult with the Secretary of HEW to insure that special projects for the elderly or handicapped meet acceptable standards of design and "provide quality services and management consistent with the needs of the occupants." Such facilities must be designed and equipped with necessary "related facilities" to accommodate the "special environmental needs of the intended occupants . . ." and be found in conformance with state plans developed under the Mental Retardation Facilities and Community Mental Health Center Construction Act of 1963, as amended, or the Older Americans Act of 1965, as amended.

In a similar vein, under the authority for Section 202 loans, the Secretary of HUD is directed to assure that a range of appropriate supportive services are provided for the elderly or handicapped, including health, continuing education, welfare, informational, homemaker, counseling and referral services and transportation where necessary to facilitate access to social services.

Special Demonstration Projects. Section 815 of the new Act authorizes $10 million for special demonstration projects to determine how best to design and structure housing for the elderly, handicapped, displaced and other groups with special needs. The Secretary of HUD may award grants "to individuals and entitles with special

competence and knowledge to contribute to the planning, development, design and management of such housing." Priority must be given to the most neglected housing needs.

5. Rehabilitation Act Amendments of 1974 (P.L. 93-516)

General Scope: The Rehabilitation Act Amendments of 1974 extend existing authorities under the Act for one additional year at a total authorization level of $851.5 million. In addition, P.L. 93-516 transfers the Rehabilitation Services Administration from the Social and Rehabilitation Service to the Office of the Secretary, authorizes the President to call a White House Conference on the Handicapped, amends the Randolph-Sheppard Act and clarifies several provisions in the Rehabilitation Act of 1973.

Implications for the Handicapped: Among the highlights of the 1974 Amendments are the following:

Removal of the Rehabilitation Services Administration from the Social and Rehabilitation Service and placing it in the Office of the Secretary of HEW. The Secretary is permitted to locate RSA only in his immediate office, the office of the Under Secretary, or the office of an appropriate Assistant Secretary. The legislation also makes the RSA Commissioner subject to Senate confirmation and clarifies the limitations on delegation of the Commissioner's responsibilities.

Authorization for the President to call a White House Conference on the Handicapped within three years. The purpose of the conference would be to explore the problems faced by handicapped Americans and develop administrative and legislative recommendations for addressing these problems. Pre-White House conferences are envisioned in each state and a National Planning and Advisory Council is authorized to plan and direct the Conference. The following sixteen special target areas for Conference attention are specified in the legislation: early childhood services, educational services, independent living services, communication services, mobility services, utilization of engineering and technology, equal employment opportunities, sufficient income, research, diagnostic and evaluation services, review of governmental programs, special problems of handicapped veterans, public awareness and attitudes, the special problems of persons who are institutionalized or homebound, the special problems of handicapped persons with limited English-speaking ability, and the allocation of federal vocational rehabilitation funds.

Amendments to the Randolph-Sheppard Act to increase vending stand opportunities for blind individuals in federal buildings. The purpose of the amendments is to update the provisions of the statute, initially enacted by Congress in 1938, and to eliminate barriers to the further growth the development of the program. The statutory preference granted to blind stand operations is clarified, and the manner

in which vending machine revenues are to be divided is outlined in the legislation.

Amendments to several provisions of the Rehabilitation Act of 1973 to clarify the intent of Congress, including:

the addition of a new, broader definition of the term "handicapped individual," which will be applicable to Titles IV and V of the Act, and, in particular, the non-discrimination provisions contained in Sections 501, 503 and 504. The focus of the new definition is on substantial limitations to an individual's functioning in one or more of his major life activities, rather than on handicaps to employment, vocational objectives or potential benefits from vocational rehabilitation services. Also covered under the new definition are persons who have been mislabelled as handicapped.

refinements in the requirement for developing an individualized written rehabilitation plan on each client. Emphasis is placed on reporting and analyzing the reasons for determinations of ineligibility for services and re-evaluating individuals refused services to ascertain whether they have any potential for achieving vocational goals. Clients must be given an opportunity to participate in any determination of service ineligibility and be advised of their rights and the remedies available to them.

a waiver of the requirement in FY 1976 and FY 1977 that earmarked funds for client assistance projects only become effective after appropriations for special projects and demonstrations exceed the amount previously available for this purpose.

a seven month delay in the date for submission of a special study on comprehensive service needs of the most severely handicapped individuals.

a revised composition and an amended list of functions of the Architectural and Transportation Barriers Compliance Board.

a requirement that state vocational rehabilitation agencies and facilities supported under the Act adopt affirmative action plans for the employment and advancement of qualified handicapped individuals.

8. Social Services Amendments of 1974 (P.L. 93-647)

General Scope: Three years of conflict between Congress and the Executive Branch ended on January 4 when President Ford signed into law the Social Services Amendments of 1974. The new law establishes statutory goals, spells out new eligibility criteria and specifies operating procedures for a completely revamped federal-state social services program.

Implications for the Handicapped: The following is a brief rundown on the major features of the 1974 Amendments, with special emphasis on those provisions which are likely to affect service programs for handicapped citizens:

Overall Organization. A new Title XX is added to the Social Security Act authorizing grants to the states for social services. This new title is designed to consolidate under a single authority present authorizations for social service grants under Titles IVA and VI. Existing provisions in Titles IVA and VI are repealed.

Goals of the Program. The new legislation provides that social service funds must be directed toward the achievement of the following goals:

achieving or maintaining economic *self-support* to prevent, reduce or eliminate dependency;

achieving or maintaining *self-sufficiency*, including reduction or prevention of dependency;

preventing or remedying *neglect, abuse or exploitation of children and adults* unable to protect their own interests, or preserving, rehabilitating or reuniting families;

preventing or reducing *inappropriate institutional care* by providing for community-based care, home-based care, or other forms of less intensive care;

securing *referral or admission for institutional care* when other forms of care are not appropriate, or providing *services to individuals in institutions.*

Eligibility and Priority for Services. Fifty percent of a state's allotment of federal social service funds must be used for services to recipients of AFDC, SSI and Medicaid as well as so-called "essential persons." The current $2.5 billion ceiling on appropriations for the program remains unchanged.

States are required to establish fee schedules for services to eligible individuals and families. Fee schedules for services to individuals and families with monthly incomes not exceeding 80 percent of the state's median income (or 100 percent of the national median income, if lower), adjusted to the size of the family, must conform to regulations prescribed by the Secretary of HEW. The states would be required to charge fees, reasonably related to income, for services to individuals and families with monthly gross incomes of between 80 percent of the state's median income (or 100 percent of the national median, if lower) and 115 percent of the state's median income. Federal reimbursement would not be available for services to individuals or families with incomes exceeding 115 percent of the state's

median income. Information and referral services and services intended to prevent or remedy neglect, abuse and exploitation of children or adults, however, could be provided without charge to any individual or family, regardless of income.

The Secretary of HEW is responsible for promulgating median family income data.

Definition of Social Services. Under P.L. 93-547, states have complete discretion to define social services, provided such services are directed at the above statutory goals. However, use of federal funds to support the following activities is prohibited:

supporting an educational service if a state makes the service "generally available to its residents without cost and without regard to their income."

supporting medical or remedial services to persons which can be paid for under Medicaid or Medicare, unless such services are an integral and subordinate part of a social service;

purchasing, constructing or making any major modifications of land, buildings or other facilities;

using social service funds for cash payments to an individual or family;

financing services to individuals living in any hospital, skilled nursing facility, or intermediate care facility (including any hospital or facility for mental disease or for the mentally retarded), any prison or foster family home, unless the service: (a) is provided by an agency other than the facility the individual is living in; and (b) is provided under the state's plan to persons not living in the facility. However, a foster family home or a group home for the mentally retarded, emotionally disturbed, etc., could be reimbursed directly for the costs of social services to meet special needs of individuals living in the home, provided they are not Title XVIII or XIX eligible facilities.

supporting in-home child care services which fail to meet state standards established in accordance with the recommended standards of national organizations;

paying for room and board only when such costs are an integral and subordinate part of the delivery of social services and then for no more than six consecutive months;

paying for out-of-home child care services which fail to meet the 1968 Federal Interagency Day Care Standards. The statute, however, includes certain modifications in the 1968 standards relative to staffing standards and the applicability of educational standards. In addition, the Secretary of HEW is required to submit to Congress recommendations for modifying the 1968 standards.

Among the services specifically mentioned in the new Act as eligible for federal reimbursement are: family planning services, child care protective services for children and adults in foster care, services related to the management and maintenance of the home, day care services for adults, transportation services, training and related services, employment services, information, referral, and counselling services, the preparation and delivery of meals, health support services, and appropriate combinations of services intended to meet the special needs of children, the aged, *the mentally retarded, the blind, the emotionally disturbed, the physically handicapped,* alcoholics, and drug addicts. The state may specify other services in its plan and the Secretary of HEW "may not deny payment . . . to any State with respect to any expenditure on the grounds that it is not an expenditure for the provision of a service directed at a goal described . . ." in the legislation.

Program Planning, Reporting, Evaluation and Auditing. The states are required to prepare comprehensive social service plans in advance of the program year and provide ample opportunity for public comment prior to final approval. This plan must include an indication of: (a) the objectives to be achieved; (b) the categories of individuals to be served; (c) the services to be provided and their relationship to the statutory goals (a state is required to provide at least one service directed at each of the goals and at least three types of services, selected by the state, to SSI recipients); (d) the geographical areas to be served; (e) the planning, reporting and organizational structure to be used, (f) how services will be coordinated with other welfare-related service programs in the state; (g) estimated expenditures under the program by category, service and geographical area; and (h) the steps taken to assure that all residents of the state were taken into account in developing the plan. The states also must conform to HEW reporting requirements.

State Plan Requirements. The states are required to submit a state plan to HEW prior to the beginning of the program year. This plan must include the following items: fair hearing assurances, restrictions on the disclosure of client information, designation of an administering state agency, a prohibition against durational residency or citizenship requirements, merit system assurances, designation of a state authority to set child day care standards, assurances that the program will be in effect in all subdivisions of the state and that the state will participate directly in some portion of new federal matching. In addition, if the state provides services to individuals living in institutions or foster homes, a state authority or authorities must be designated to set and monitor compliance with standards related to admission policies, safety, sanitation and protection of civil rights.

If a state fails to comply with any of the above requirements, the Secretary may either terminate funding or withhold 3 percent of the

state's federal entitlement under the Act for each activity involving non-compliance.

Maintenance of Effort. The state must give assurances that the portion of non-federal aggregate expenditures which are drawn from public funds (state and local) is not less in any fiscal year than the amount expended for social services in fiscal year 1973 or 1974, whichever is less. This maintenance of effort requirement does not apply to non-public donated funds.

Matching Requirements. The matching requirements remain unchanged—i.e., 75 percent federal matching will be provided for social services, except for family planning services which will continue to receive 90 percent matching. Matching may include:

cash matching by the state or its political subdivisions;

in-kind state matching, but not in-kind matching transferred to the state by a private agency;

donated private funds, provided that the funds are actually transferrable to the state and are under its administrative control. Such donated funds may be counted for federal matching as long as there is no restriction on their use. One exception is that fund usage may be specified as long as the donating organization does not sponsor or operate a service program. Funds donated by proprietary organizations may not revert to the donor's facility.

Evaluation and Reporting. HEW is required to provide technical and program assistance to the states and conduct an annual evaluation of the program. Prior to July 1, 1977, the Secretary of HEW is obligated to submit a report to Congress on the effectiveness of the Social Services Program along with any recommendations for improvement.

Effective Date. The new social services program is scheduled to go into effect on October 1, 1975—a date which coincides with the beginning of the new federal fiscal year. No final federal regulations will be effective until the subsequent year if published within 60 days of the beginning of a service program year.

The new law also extends the moratorium on the issuance of new or revised HEW regulations through October 1, 1975.

Reallotment. When one or more states are unable to use their full allotment under Title XX in any fiscal year, P.L. 93-647 provides that such excess funds may be reallotted among Puerto Rico, the Virgin Islands and Guam, which are otherwise ineligible to participate in the program. Puerto Rico would be entitled to receive up to $15 million in reallotted funds while the Virgin Islands and Guam each would receive up to $500,000.

PART II. OTHER LEGISLATION BENEFITING THE HANDICAPPED

1. Maternal and Child Health Amendments (P.L. 93-53)

A rider, attached to the debt ceiling bill, extended the maternal and child health project grant authority for one additional year. Prior to enactment of the legislation, the MCH project grant authority was scheduled to expire on June 30, 1973. The ratio of appropriations then would shift to 90 percent for formula grants and 10 percent for research and training grants. At the time of enactment 50 percent was allocated for formula grants, 40 percent for project grants and 10 percent for research and training grants. In other words, the effect of the 1973 amendment was to delay for one additional year the transfer of project funds and responsibility to the States.

To ease the fiscal impact of the transition, particularly in large, urbanized States where MCH projects tend to be concentrated, during FY 1974 each State is authorized to receive the greater of either the total of FY 1973 project and formula grants or the amount the State would have received had the project grant authority not been extended for one year. In FY 1975 and succeeding years, no State would receive less funds than it got in FY 1973 for both MCH project and formula grants. A provision for ratably reducing State allotments is included when appropriations for any fiscal year are insufficient to meet the full authorized amount.

When the project grant authority expires on June 30, 1974, the States are required to make arrangements to provide for the continuation of services to groups previously receiving assistance through project grant funds.

2. Health Program Extension Act of 1973 (P.L. 93-45)

P.L. 93-45 extends for one additional year (through June 30, 1974) authorizations for twelve Federal health programs, including the Developmental Disabilities Services and Facilities Construction Act, the Hill-Burton program, the Community Mental Health Centers Act and the Comprehensive Health Planning program. FY 1974 authorizations for the Developmental Disabilities program include $32.5 million for

formula grants to the States and $9.25 million for training and demonstration grants to university affiliated facilities. $20 million is authorized for the construction of community mental health centers and $49.1 million for staffing such centers.

P.L. 93-45 also provides that programs supported through federal health funds may not require individuals or agencies to perform abortions or sterilization procedures against their "religious beliefs or moral convictions." Agencies receiving federal health funds may not discriminate in employment against any physician or other health care personnel because he or she has performed or assisted in the performance of an abortion or sterilization procedure.

3. Second Supplemental Appropriations for FY 1973 (P.L. 93-50)

P.L. 93-50 increased appropriations for grants to the States under the Vocational Rehabilitation program from $560 million to $590 million. The Act also included a special appropriation of $13.3 million to restore the amount of FY 1972 funds lost because of delays in awarding research and demonstration contracts under the Education of the Handicapped Act. This amount, along with $12.5 million in regular appropriations, was made available through September 30, 1973.

4. Labor-HEW Appropriations for FY 1974 (P.L. 93-192)

The regular Labor-HEW appropriations measure for FY 1974 included a total of $32.5 billion for programs operated by the two departments. However, Congress granted the President authority to withhold up to $400 million from those programs which exceeded his original budget requests—provided no more than five percent was withheld from any one program.

Among the HEW programs which were increased above the President's original budget were the State grant programs for the developmentally disabled and education of the handicapped and the research activities of the National Institute of Neurological Disease and Stroke and the National Institute of Child Health and Human Development.

5. Supplemental Appropriations for FY 1974 (P.L. 93-245)

Just before adjourning for the year, Congress passed a final supplemental appropriations measure which contained increased funds for vocational rehabilitation programs. The largest increase came in the basic State grant program which was raised from the $615.0 million requested by the Administration to $630 million. Training funds and service project grants were also increased by $7.4 million and $4.0 million, respectively.

6. Lead Based Paint Poisoning Prevention Amendments (P.L. 93-151)

P.L. 93-151 extends the Lead Based Paint Poisoning Prevention Act for an additional two years (through June 30, 1975) and increases the federal matching ratio for detection and treatment of grants from 75 percent to 90 percent. In addition, the Secretary of Housing and Urban Development is authorized to carry out a research and demonstration program to determine the nature and extent of the lead poisoning problem.

The Act directs the Secretary of HUD to eliminate lead hazards in federally assisted housing built prior to 1950 and prohibits the use of lead based paint in the construction of facilities and the manufacture of certain toys and utensils. Finally, the permissible level of lead in paint products is lowered from one percent to one-half of one percent until December 31, 1974; after that date, lead levels may not exceed 6/100 of one percent, pending the outcome of a study by the Consumer Protection Safety Commission.

7. Federal Aid Highway Act of 1973 (P.L. 93-87)

P.L. 93-87 authorizes the Secretary of Transportation to make grants and loans to private non-profit corporations to assist "in providing transportation services meeting the special needs of elderly and handicapped persons" who cannot use mass transportation facilities. Previously, applicants for such grants were restricted to State and local agencies. In addition, the 1973 amendments permit the Secretary to earmark up to 2 percent (previously 1½ percent) of the Urban Mass Transportation Fund for special transportation services benefiting the elderly and handicapped.

The Federal Aid Highway Act of 1973 also authorizes $65 million to provide necessary facilities to make the metropolitan Washington, D.C. subway and transit system accessible to the handicapped. In addition, the Secretary of Transportation is directed not to approve any State highway safety program which fails to provide "adequate and reasonable access for safe and convenient movement of the physically handicapped, including those in wheelchairs, across curbs constructed or replaced at all pedestrian crosswalks after July 1, 1976."

8. Amtrak Improvement Act of 1973 (P.L. 93-146)

The Rail Passenger Service Act of 1970 is amended to empower the Amtrak Corporation to take necessary steps to assure that elderly and handicapped persons are not denied access to intercity rail transportation. The Corporation is specifically authorized to design and acquire special equipment and facilities, conduct special training courses for employees, eliminate existing architectural barriers, and provide assistance to elderly and handicapped persons in boarding and alighting in terminal areas.

9. Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29)

P.L. 93-29 amends and extends the Older Americans Act of 1965. Among the new responsibilities of the Commissioner on Aging is to award grants and contracts to model statewide, regional, and community projects. In making such grants, the Commissioner is directed to give special attention to a number of areas, including services to meet the particular needs of physically and mentally impaired older persons.

The Commissioner is also required to conduct a special study and support demonstration projects related to the transportation problems of older Americans, including those with mobility restrictions.

10. Domestic Volunteer Service Act of 1973 (P.L. 93-113)

P.L. 93-113 consolidates all domestic volunteer services managed by the ACTION agency under a single legislative authority. Among the programs authorized in the new Act are: VISTA (Volunteers in Service to America); University Year in ACTION; Special Volunteer Programs; Retired Service Volunteer Program (RSVP), Foster Grandparent program; SCORE (Service Corps of Retired Executives); and ACE (Active Corps of Executives) programs. Prior to enactment of P.L. 93-113, these programs were authorized under several different federal statutes.

The legislation adds a new authority which permits the Director of ACTION to make grants and contracts to support volunteers who are aiding adults with "exceptional needs," including "senior companions" helping persons with developmental disabilities. This new provision was added to complement the Foster Grandparent Program which is focussed on assisting needy and handicapped children.

The Director of ACTION may assign VISTA volunteers to one of several settings, including projects or programs "in the care and rehabilitation of mentally ill, developmentally disabled, and other handicapped individuals, especially those with severe handicaps, under the supervision of non-profit institutions or facilities . . ."

Authorizations for each of the voluntary service programs are provided through June 30, 1976.

11. National Autistic Children's Week (P.L. 93-42)

P.L. 93-42 authorizes the President to declare the week beginning June 24, 1973 as "National Autistic Children's Week."

12. Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (P.L. 93-76)

P.L. 93-76 increases the authorization for operation of the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped to $240,000 in Fiscal Year 1974. The Committee is

responsible for designating the products and services required by Federal agencies which may be produced or provided by sheltered workshops under the Wagner-O'Day program.

13. Social Security Amendments (P.L. 93-256, P.L. 93-335, P.L. 93-368, and P.L. 93-484)

During 1974, Congress continued its efforts to eliminate inequities and problems created by the initiation of the Supplementary Security Income program. On four separate occasions during the year, Congress approved legislation to modify various provisions of the program which was originally enacted into law as part of the Social Security Amendments of 1972 (P.L. 92-603).

P.L. 93-256 extended the time during which SSI benefits could be paid to persons on the basis of presumptive disability. Under former law, the states had until March 31 to complete redeterminations on all disabled persons grandfathered into the new cash assistance program on January 1. Several states reported that they would be unable to complete eligibility determinations on many clients because of the large backlog of cases. Congress responded by enacting P.L. 93-256 which extended the deadline for cut-off of SSI payments to such recipients from March 31 to December 31, 1974.

P.L. 93-335 extended for an additional twelve months (until July 1, 1975) the eligibility of supplementary security income recipients for food stamps. This marked the second time Congress had delayed implementation of a requirement that makes SSI recipients ineligible for food stamps in any month in which the SSI payment plus the state supplement are at least equal to the welfare payment, plus the bonus value of food stamps the individual would have been eligible to receive under the state plan in effect on December 1, 1973.

Several months later, a series of amendments to Title XVI (SSI) and XIX (Medicaid) were adopted by Congress. These amendments, attached as a rider to a minor tariff bill (P.L. 93-368) had the following effects:

The federal government is authorized to reimburse states for assistance to individuals who have applied for but have not received SSI benefits. The purpose of this amendment is to assure states that they will be reimbursed for any emergency aid given to persons awaiting determination of their SSI eligibility. Pressure for this change in the law was generated by the substantial delays experienced in processing claims during the early months of the program and the unwillingness of some states to provide emergency assistance knowing that they would not be reimbursed if the individual's claim was disallowed.

Under existing law, SSI recipients are paid from the date of application. But the states were being forced to collect back any emergency

aid from the recipient once SSI benefits were approved. Under the new amendments, the states may insist that the applicant agree to have any emergency state aid withheld from future federal SSI checks and paid directly to the state agency.

Federal SSI beneficiaries will receive an automatic cost of living increase whenever there is a similar increase in social security benefits. The amendment, which goes into effect on July 1, 1975, provides a permanent solution to the problem of "passing through" SSI benefit increases to recipients.

The existing provision for 100 percent federal funding for training and compensating state inspectors of skilled nursing homes and intermediate care facilities under Medicaid is extended for three additional years.

The existing mandatory requirement that states impose an enrollment fee on the medically needy is removed. States may, if they choose, continue to require an enrollment fee but it is no longer mandatory that they do so. Only those states with Title XIX plans which cover the medically indigent—those who have too much income to qualify for cash assistance but not enough to pay for their medical care—are affected.

Finally, in early November, President Ford signed into law (P.L. 93-484) an amendment to the Supplementary Security program which provides that an individual living in a non-profit retirement home or similar institution will not have his SSI benefits reduced because of support or maintenance provided by the facility or another non-profit organization. The new amendment, originally introduced by Senator Frank Church (D-Idaho), was attached as a rider to a minor bill (H.R. 13631) dealing with import duties on horses.

Under prior law any support or maintenance furnished by a non-profit organization on behalf of an individual living in a facility was counted as unearned income to the individual; as a result, all amounts over the income disregard ($20 a month) resulted in a dollar-for-dollar reduction in the individual's SSI payment. The new amendment does not affect public or proprietary facilities or so-called lifetime care plans, where an individual turns over his assets to a non-profit institution in prepayment for all or a portion of lifetime care.

Although the new amendment makes no mention of facilities for the mentally retarded or other disabled persons (and the committee report is also silent on this matter), Social Security officials feel that the language is broad enough to encompass persons in such facilities. Thus, the new amendment should help residents of non-profit group homes and similar facilities who were previously found to be ineligible because the sponsoring non-profit organization underwrote a portion of the costs of providing room and board.

14. General Education Amendments (P.L. 93-269)

Congress enacted a measure to permit state and local schools to carry over to the next fiscal year unused funds from 1974 as well as impounded funds from 1973. Similar legislation, commonly referred to as the "Tydings Amendments," had been on the statute books for several years but was scheduled to expire on June 30, 1974. A number of educational programs for handicapped persons, which were due to lapse FY 1974 funds on June 30, benefitted from the enactment of P.L. 93-269.

15. National Research Act (P.L. 93-348)

Reflecting the growing national concern over the adequacy of current procedures for reviewing and monitoring research projects involving human subjects, Congress enacted a bill calling for the establishment of an eleven member Commission on Protection of Human Subjects of Biomedical and Behavioral Research.

The Commission, which is to be appointed by the Secretary of HEW, will carry out the following functions:

Undertake a comprehensive investigation to identify the basic ethical principles which should underlie the conduct of biomedical and behavioral research involving human subjects and to develop guidelines for implementing these principles;

To recommend necessary administrative actions to the Secretary;

To consider (a) guidelines for the selection of subjects to participate in research projects; (b) the nature and definition of informed consent in various settings; (c) the role of assessment of risk benefit criteria in determining the appropriateness of research involving human subjects; (d) mechanisms for evaluating and monitoring the performance of Institutional Review Boards and enforcement mechanisms; and (e) the boundaries between research involving human subjects and the routine practice of medicine;

To make recommendations on the requirements for informed consent for participation in biomedical and behavioral research by children, prisoners, and the institutionalized mentally infirmed;

To investigate the need for a mechanism to protect subjects in research projects not funded by HEW;

To study the extent of, and the need for, research involving living fetuses;

To conduct a study of the use of psychosurgery in the United States;

To make recommendations to Congress on the functions and authority of the National Advisory Council for the Protection of Subjects of Biomedical and Behavioral Research.

The Commission, established under Title II of the Act, is required to complete its work within 24 months and then go out of existence. It will be replaced by the National Advisory Council. The Council, which will be established on July 1, 1976, will be composed of not less than seven nor more than fifteen individuals selected from the fields of medicine, law, ethics, theology, the biological, physical, behavioral and social sciences, philosophy, humanities, health administration, government and public affairs. It will be chaired by the Secretary of Health, Education, and Welfare and have as its primary purposes: (1) advising the Secretary on all matters pertaining to the protection of human subjects of biomedical and behavioral research; (2) reviewing existing policies and regulations to determine whether they conform to ethical principles for the conduct of human research; and (3) studying the longitudinal changes taking place in biomedical and behavioral research in order to determine their effects on current policies.

Title I of the Act is designed to stimulate improved biomedical and behavioral research by authorizing a system of National Research Service Awards.

16. Labor-HEW Appropriations for FY 1975 (P.L. 93-517)

The regular HEW-Labor Appropriation measure for FY 1975 includes $33 billion in operating funds for the two departments.

Among the major increases provided for in P.L. 93-517 are:

Restoration of vocational rehabilitation training and innovation and expansion grants, both of which had been scheduled for phaseout by the Administration;

A $4 million increase in maternal and child health research and training funds—most of which is earmarked for university affiliated facilities serving developmentally disabled persons;

Increases in the research programs of several of the National Institutes of Health.

17. Supplemental Appropriations, FY 1975 (P.L. 93-554)

This legislation appropriates FY 1975 funds for most of the programs operating under the Office of Education, including aid for educating handicapped youngsters. Grants to the states for the education of handicapped children are more than doubled—from $47.5 million in FY 1974 to $100 million in 1975, plus an identical amount in FY 1976. The principle motivation for this sharp increase came from the enactment of the Mathias "emergency funding amendment" (see discussion of the 1974 Education Amendments above).

Also included in the $8 billion plus supplemental bill is initial funding under the Housing and Community Development Block grants and $100 million for Housing Loans for the Elderly and Handicapped under Section 202 of the Housing Act.

18. National School Lunch and Child Nutrition Act Amendments of 1974 (P.L. 93-326)

The Act extends and expands the National School Lunch Act which makes food assistance available to eligible children, including handicapped children, in public and non-profit schools. Among the highlights of the 1974 Amendments are the following:

Special authority directing the Secretary of Agriculture to purchase food commodities for donation to school lunch and other nutrition programs for children and the elderly is extended through fiscal year 1975;

Schools are to receive a minimum of 10 cents per lunch, either in donated food or cash assistance during FY 1975 and succeeding fiscal years;

The authority which states now have to serve reduced price lunches to children from families with incomes up to 76 percent above the official income poverty guidelines is made a permanent feature of the Act;

The authorization for school food service equipment is increased from $20 million to $40 million in FY 1976 and succeeding fiscal years;

The required expenditure for the special supplemental food program for women, infants and children is increased from $40 million to $100 million during FY 1975 only.

19. Wagner-O'Day Act Amendments (P.L. 93-358)

This legislation amends the Wagner-O'Day Act of 1938, a statute which offers sheltered workshops serving the blind and severely handicapped special preference in bidding on government contracts, to: (1) change the name of the "Committee for Purchases of Products and Services of the Blind and Other Severely Handicapped" to the "Committee for Purchases from the Blind and Other Severely Handicapped"; (2) provides a continuing authorization for the operation of the Committee; (3) increases the Committee's membership from 14 to 15; and (4) clarifies the definition of "direct labor" so that it expressly covers the provision of services as well as the manufacture of commodities.

20. Juvenile Delinquency and Prevention Act of 1974 (P.L. 93-415)

This new Act, which is the successor to the old Juvenile Justice and Delinquency Prevention Act of 1972 (P.L. 92-381), authorizes formula

grants to the states for the development and expansion of preventive and treatment services for juveniles. One of the requirements to qualify for federal assistance is that the states must give assurances that such assistance will be made available on an equitable basis to deal with all disadvantaged youth, including the mentally retarded and the emotionally and physically handicapped.

The formula for distributing funds among the states is based on relative population under 18 years of age, per capita income and the incidence of delinquency. The minimum state allotment is $200,000.

P.L. 93-415 specifies that 25 to 50 percent of formula grant funds must be earmarked by Justice Department for special emphasis grants in the area of prevention and treatment and contracts with public and private agencies, organizations and institutions to: (1) develop and implement new approaches to juvenile delinquency programs; (2) develop and maintain community based alternatives to institutionalization for juveniles; (3) improve capacity of private and public agencies and institutions to offer services for delinquents and troubled youths; and (4) facilitate adoption of recommendations of National Advisory Committee and Institute for Delinquency Prevention and Juvenile Justice.

The new legislation authorizes $75 million in FY 1975, $125 million in FY 1976 and $150 million in 1977 for grants to the states.

In addition to authorizing grants to the states, the new legislation also:

Establishes an Office of Juvenile Justice and Delinquency Prevention in the Justice Department;

Establishes a Coordinating Council on Juvenile Justice and Delinquency Prevention made up of key federal officials;

Sets up a National Advisory Committee composed of professional as well as citizen and youth representatives;

Creates a National Institute for Delinquency Prevention and Juvenile Justice to function as an information clearinghouse and to aid in manpower development;

Sets up a National Institute of Corrections within the Bureau of Prisons in the Justice Department;

Authorizes federal assistance for programs designed to meet the needs of runaway youth and their families.

21. March of Dimes Birth Defects Prevention Month (P.L. 93-561)

This legislation authorizes the President of the United States to designate January 1975 as "March of Dimes Birth Defects Prevention Month" and urges the Governors of the fifty states and territories to take similar action.

22. National Mass Transportation Assistance Act of 1974 (P.L. 93-503)

Passage of this legislation marks the first time Congress has approved a broad based program of federal aid for urban mass transit systems. Among other requirements of the new program, the Secretary of Transportation may not approve any project application unless it includes assurances that rates charged elderly and handicapped persons during nonpeak hours will not exceed one-half the generally applicable rate for other persons during peak hours. In addition, local municipalities may transport elderly and handicapped persons free of charge and still be eligible for federal aid under the new program.

23. Federal-Aid Highway Amendments of 1974 (P.L. 93-643)

This Act declares, as a national policy, "that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services . . ." and calls for "special efforts . . . in planning, design, construction, and operation of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured . . ."

24. National Health Planning and Resources Development Act of 1974 (P.L. 93-641)

The basic purpose of this legislation is to establish a national health planning process and a health resources development system for the Nation. P.L. 93-641 contains the following major provisions:

Establishes a nationwide network of public and non-profit agencies called Health Systems Agencies (HSA), to be responsible for health and mental health planning and resource development in specified geographic areas;

Requires the states to create State Health Planning and Development Agencies to perform health planning and development functions; these agencies, in turn, will receive advice from State Health Coordinating Councils;

Establishes a National Health Planning and Information Center;

Creates a National Advisory Council on Health Planning and Development to advise the Secretary of HEW;

Authorizes federal aid to the states for health planning and development.

The Health Systems Agencies, which will replace existing comprehensive health planning agencies and regional medical programs, will be responsible for reviewing and approving or disapproving all federal health and mental health grants, contracts, loans and loan guarantees made under the Public Health Service Act (except research and training

grants), the Community Mental Health Centers Act and the Comprehensive Alcohol Abuse and Alcoholism Act.

State Health Planning and Development Agencies will be responsible for reviewing the need for new institutional health services including mental health facilities and intermediate care facilities serving the mentally retarded) and issuing certificates of need. The SHPDA also will be responsible for developing the state health services plan in cooperation with the State Health Coordinating Council.

P.L. 93-641 also replaces the Hill-Burton program with a new authority for modernizing medical facilities, constructing outpatient facilities, converting existing facilities to new health delivery purposes and constructing new inpatient facilities in areas which have experienced rapid growth. Formula grants, based on population, financial need and need for health facilities, are authorized and can be used by the states for grants, loans, loan guarantees and interest subsidies. $125 million is authorized for the program in FY 1975, $130 million in FY 1976 and $135 million in FY 1977.

25. Community Services Act of 1974 (P.L. 93-644)

This new law abolishes the Office of Economic Opportunity and replaces it with the Community Services Administration, an independent federal agency. After March 15, 1975, the President, if he so desires, may submit to Congress a reorganization plan to make the Community Services Administration a part of the Department of Health, Education, and Welfare. However, this plan must conform with requirements set out in the statute, including the stipulation that the agency head be directly responsible to the Secretary. Congress may reject the President's reorganization plan within 60 days of its submittal by majority vote of both the House and the Senate.

The Community Services Administration will be responsible for carrying out the community action program, the community food and nutrition program, the senior opportunities and services program, the rural housing, development and rehabilitation program as well as several other programs formerly run by OEO. Other programs authorized under the former Economic Opportunity Act are delegated to the Departments of HEW, Labor and Commerce.

The Head Start program is delegated to HEW which has been administering the program under an agreement with OEO since 1969. In addition, the Head Start program is extended through fiscal year 1977.

The formula for distributing Head Start funds is revised and the requirement for involving handicapped youngsters in the program is modified. The new distribution formula will be based on the relative number of children in families with incomes below the poverty line. All Head Start

grantees will be assured of at least the same level of federal aid as they received in FY 1974.

The requirement that ten percent of Head Start enrollment opportunities be made available to handicapped children was retained. This provision was first made part of the Act under the Economic Opportunity Amendments of 1972 (P.L. 92-424). In fiscal 1976 and thereafter, however, the ten percent stipulation will apply to each state rather than on a nationwide basis.

In their reports on the legislation, both the House Education and Labor Committee and the Senate Labor and Public Welfare Committee expressed deep concern about the manner in which many Head Start agencies were implementing the 10 percent mandate. They noted that many youngsters with mild speech impediments and other minor disorders were being classified as handicapped children in contravention of the stated intent of Congress. The Office of Child Development and Head Start grantees were directed to take necessary steps to assure that only children with disabilities severe enough to require special education and related services be classified and counted as handicapped children.

26. National Arthritis Act of 1974 (P.L. 93-640)

This legislation established a National Commission on Arthritis to develop a long range plan to combat a disease which affects an estimated 50,000,000 Americans. The Act also attempts to stimulate increased research, and achieve better coordination among all programs relating to arthritis.

Regular public information programs are authorized to facilitate the dissemination of accurate up-to-date information on diagnostic and treatment procedures. In addition, provision is made for the establishment of arthritis screening, early detection, prevention and control programs, and comprehensive arthritis centers to serve as a focal point for research and manpower development.

Finally, P.L. 93-640 provides for the establishment of an arthritis screening and detection data bank and for the dissemination of the data collected.

APPENDIX A
Legislative History of Laws Relating to the Handicapped 1973-74

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
1. Renegotiation Act Amendments	H.R. 7445	May 3, 1973	WM	CF	May 3, 1973	June 22, 1973	93-165	93-240	May 9, 1973	June 30, 1973	July 9, 1973	93-66
2. Social Security Amendments of 1973	H.R. 11333	Nov. 7, 1973	WM	–	Nov. 9, 1973	–	93-627	–	Nov. 15, 1973	Dec. 21, 1973	Dec. 31, 1973	93-233
3. Rehabilitation Amendments of 1973	H.R. 8070	May 23, 1973	EdL	LPW	June 4, 1973	July 26, 1973	93-244	93-318	June 5, 1973	July 18, 1973	Sept. 26, 1973	93-112
4. Maternal and Child Health Amendments	H.R. 8410	June 6, 1973	WM	CF	June 8, 1973	June 25, 1973	93-267	93-249	June 13, 1973	June 27, 1973	July 1, 1973	93-53
5. Health Programs Extension Act of 1973	S. 1136	Mar. 8, 1973	IFC	LPW	May 25, 1973	Mar. 23, 1973	93-227	93-87	May 31, 1973	Mar. 27, 1973	June 18, 1973	93-45
6. Second Supplemental Appropriations for FY 1973	H.R. 9055	June 28, 1973	AP	–	June 28, 1973	–	93-350	–	June 29, 1973	June 29, 1973	July 1, 1973	93-50
7. Labor-HEW Appropriations for FY 1974	H.R. 8877	June 21, 1973	AP	AP	June 21, 1973	Oct. 2, 1973	93-305	93-414	June 26, 1973	Oct. 4, 1973	Dec. 18, 1973	93-192
8. Supplemental Appropriations for FY 1974	H.R. 11576	Nov. 26, 1973	AP	AP	Nov. 26, 1973	Dec. 11, 1973	93-663	93-614	Nov. 30, 1973	Dec. 12, 1973	Jan. 3, 1974	93-245

APPENDIX A
Legislative History of Laws Relating to the Handicapped 1973-74—Continued

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
9. Lead Based Paint Poisoning Prevention Amendments	S. 607	Jan. 29, 1973	BC	LPW	July 12, 1973	April 27, 1973	93-373	93-130	Sept. 5, 1973	May 7, 1973	Nov. 9, 1973	93-151
10. Federal Aid Highway Act of 1973	S. 502	Jan. 23, 1973	PW	PW	April 10, 1973	Mar. 3, 1973	93-118	93-61	April 19, 1973	Mar. 15, 1973	Aug. 13, 1973	93-87
11. Amtrak Improvement Act of 1973	S. 2016	June 18, 1973	IFC	CM	July 30, 1973	June 18, 1973	93-415	93-226	Sept. 6, 1973	June 28, 1973	Nov. 3, 1973	93-146
12. Older Americans Comprehensive Services Amendments of 1973	S. 50	Jan. 4, 1973	EdL	LPW	Mar. 2, 1973	Feb. 14, 1973	93-43	93-19	Mar. 13, 1973	Feb. 20, 1973	May 3, 1973	93-29
13. Domestic Volunteer Services Act of 1973	S. 1148	Mar. 8, 1973	EdL	LPW	July 26, 1973	July 11, 1973	93-405	93-311	Sept. 17, 1973	July 18, 1973	Oct. 1, 1973	93-113
14. National Autistic Children's Week	H.J. Res. 296	May 5, 1973	—	—	—	—	—	—	May 17, 1973	June 4, 1973	June 15, 1973	93-42
15. Committee for Purchase of Products and Services of the Blind and Other Handicapped	S. 1413	Mar. 28, 1973	GO	LPW	June 21, 1973	June 8, 1973	93-304	93-201	July 17, 1973	June 15, 1973	July 30, 1973	93-76

APPENDIX A
Legislative History of Laws Relating to the Handicapped 1973-74—Continued

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
16. Education Amendments of 1974	H.R. 69 (S. 1539)	Jan. 3, 1973	EdL	LPW	Feb. 21	Mar. 29	93-805	93-763	Mar. 27	May 20	Aug. 21	93-380
17. Housing and Community Development Act of 1974	S. 3066 (H. 15361)	Feb. 27	BC	BHUA	June 17	Feb. 27	93-1114	93-693	June 20	Mar. 11	Aug. 22	93-383
18. Rehabilitation Act Amendments of 1974	H.R. 17503 (S. 4194)	Nov. 25	–	LPW	–	Nov. 26	–	93-1297	Nov. 26	Nov. 26	Dec. 7	93-516
19. Social Services Amendments of 1974	H.R. 17045	Oct. 3	WM	Fin.	Nov. 22	Dec. 14	93-1490	93-1356	Dec. 9	Dec. 17	Jan. 4, 1975	93-647
20. Supplemental Security Income Benefits	H.R. 13025	Feb. 26	WM	Fin.	Mar. 4	Mar. 13	93-871	93-735	Mar. 5	Mar. 13	Mar. 28	93-256
21. Extend Food Stamp Eligibility to SSI Recipients	H.R. 15124	May 30	WM	–	June 5	–	93-1081	–	June 18	June 20	July 8	93-335
22. Foreign Equipment Import Duty (Social Security rider)	H.R. 8217	May 30, 1973	WM	Fin.	June 21, 1973	April 23	93-313	93-786	Oct. 2, 1973	June 27	Aug. 7	93-365
23. Import Duty on Horses (Social Security rider)	H.R. 13631	Mar. 20	WM	Fin.	April 4	Aug. 1	93-974	93-1065	April 8	Aug. 13	Oct. 26	93-484

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APPENDIX A
Legislative History of Laws Relating to the Handicapped 1973-74—Continued

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
24. General Education Amendments	H.R. 12253	Jan. 23	–	LPW	–	Feb. 1	–	93-674	Jan. 28	Feb. 5	April 18	93-269
25. National Research Act	H.R. 7724	May 10, 1973	IFC	LPW	May 23, 1973	Aug. 3, 1973	93-224	93-381	May 31, 1973	Sept. 11, 1973	July 12	93-348
26. Labor-HEW Appropriations for FY 1975	H.R. 15580	June 24	AP	AP	June 24	Sept. 11	93-1140	93-1146	June 27	Sept. 18	Dec. 7	93-517
27. Supplemental Appropriations, FY 1975	H.R. 16900	Sept. 25	AP	AP	Sept. 25	Oct. 9	93-1378	93-1255	Oct. 2	Nov. 20	Dec. 27	93-554
28. National School Lunch & Child Nutrition Act of 1974	H.R. 14354 (S. 3459)	Apr. 24	EdL	Agr.	May 1	May 8	93-1022	93-830	May 7	May 21	June 30	93-326
29. Wagner-O'Day Act Amendments	H.R. 11143 (S. 2687)	Oct. 29, 1973	GO	LPW	Feb. 26	Mar. 5	93-808	93-908	Mar. 4	June 13	July 25	93-358
30. Juvenile Delinquency & Prevention Act of 1974	S. 821 (H. 15276)	Feb. 8, 1973	EdL	Jud.	June 21	July 16	93-1135	93-1011	July 31	July 25	Sept. 7	93-415
31. March of Dimes Month	S.J. Res. 224	June 27	Jud.	Jud.	–	Nov. 21	–	93-1294	Dec. 16	Nov. 21	Dec. 30	93-561

APPENDIX A
Legislative History of Laws Relating to the Handicapped 1973-74—Continued

Title	Bill No.	Date Introduced	Committee		Date Reported		Report No.		Date of Passage		Public Law	
			House	Senate	House	Senate	House	Senate	House	Senate	Date Approved	Number
32. National Mass Transportation Assistance Act of 1974	S. 386 (H. 6452)	Jan. 16, 1973	–	BHUA	–	July 31, 1973	–	93-361	Oct. 3, 1973	Sept. 10, 1973	Nov. 26	93-503
33. Federal-Aid Highway Amendments of 1974	S. 3934	Aug. 20	PW	PW	Dec. 11	Aug. 20	93-1567	93-1111	Dec. 16	Sept. 11	Jan. 4, 1975	93-643
34. National Health Planning & Resources Development Act of 1974	S. 2994 (H. 16204)	Feb. 8	IFC	LPW	Sept. 26	Nov. 12	93-1382	93-1285	Dec. 13	Nov. 25	Jan. 4, 1975	93-641
35. Community Services Act of 1974	H.R. 14449	Apr. 29	EdL	LPW	May 15	Nov. 20	93-1043	93-1291	May 29	Dec. 13	Jan. 4, 1975	93-644
36. National Arthritis Act of 1974	S. 2854	Dec. 21, 1973	IFC	LPW	–	Oct. 9	–	93-1251	Dec. 18	Oct. 11	Jan. 4, 1975	93-640

Note: The bills in parentheses are companion measures.

TABLE OF COMMITTEE ABBREVIATIONS

Agr	Agriculture	GO	Government Operations
AP	Appropriations	IFC	Interstate and Foreign Commerce
BC	Banking and Currency	Jud	Judiciary
BHUA	Banking Housing and Urban Affairs	LPW	Labor and Public Welfare
EdL	Education and Labor	PW	Public Works
Fin	Finance	WM	Ways and Means

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APPENDIX B
Cross-References from Previous Summaries Amended by or Related to Laws Reviewed in 1973-74 Summary

1973-74 Law	Amended or Related Law	1963-67 Summary Page #	1968 Summary Page #	1971 Summary Page #	1972 Summary Page #
1. Renegotiation Act Amendments	Social Security Amendments	1, 9, 10, 13, 23	–	1	1
2. Social Security Amendments of 1973	Social Security Amendments	1, 9, 10, 13, 23	–	1	1
3. Rehabilitation Amendments of 1973	Vocational Rehabilitation Act Amendments	4, 20, 26	7	8	-
4. Maternal and Child Health Amendments	Maternal and Child Health Amendments	7	–	–	6
5. Health Programs Extension Act of 1973	Mental Retardation Facilities and Community Mental Health Centers Act	2, 8, 15	–	–	–
	Hospital and Medical Facilities Amendments	9	–	–	–
	Developmental Disabilities Construction and Services Act of 1970	–	–	1	–
6. Lead-Based Paint Poisoning Prevention Act	Lead-Based Paint Poisoning Prevention Act of 1970	–	–	4	–

APPENDIX B
Cross-References from Previous Summaries
Amended by or Related to Laws Reviewed in 1973-74 Summary—Continued

1973-74 Law	Amended or Related Law	1963-67 Summary Page #	1968 Summary Page #	1971 Summary Page #	1972 Summary Page #
7. Federal Aid Highway Act of 1973	Urban Mass Transportation Assistance Act of 1970	–	–	7	–
8. Older Americans Comprehensive Services Amendments of 1973	Older Americans Act of 1965	–	–	5	–
9. Committee for Purchase of Products and Services of the Blind and Other Handicapped	Wagner-O'Day Amendments	–	–	–	4
10. Social Services Amendments of 1974 (P.L. 92-603)	Social Security Act	1, 9, 10, 13, 23	–	–	1
11. Supplemental Security Income Benefits (P.L. 93-256)	Social Security Act	1, 9, 10, 13, 23	–	–	1
12. Extend Food Stamp Eligibility to SSI Recipients (P.L. 93-335)	Social Security Act	1, 9, 10, 13, 23	–	–	1

APPENDIX B
Cross-References from Previous Summaries
Amended by or Related to Laws Reviewed in 1973-74 Summary—Continued

1973-74 Law	Amended or Related Law	1963-67 Summary Page #	1968 Summary Page #	1971 Summary Page #	1972 Summary Page #
13. Foreign Equipment Import Duty (Social Security Rider) (P.L. 93-368)	Social Security Act	1, 9, 10, 13, 23	–	–	1
14. Wagner-O'Day Act Amendments (P.L. 93-358)	Wagner-O'Day Act of 1938	–	–	–	4
15. National Health Planning & Resources Development Act of 1974 (P.L. 93-641)	Public Health Services Act	23, 29	–	–	–
16. Community Services Act of 1974 (P.L. 93-644)	Economic Opportunity Act	–	–	–	4
17. Rehabilitation Act of 1973 (P.L. 93-112) and Rehabilitation Act Amendments of 1974 (P.L. 93-516)	Vocational Rehabilitation Act	4, 20, 26	1, 7	8	–
18. Education Amendments of 1974 (P.L. 93-380)	Elementary and Secondary Education Act	3, 24, 25, 30	–	5	5